

Office of the Governor

Executive Order No. 8-82



19 1983

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HELENA, MONTANA 59620

Executive Order Defining Procedures for Reimbursement of Claims for Expenses for Return of Fugitives to the State of Montana under the Uniform Criminal Extradition Act.

WHEREAS, Section 46-30-411, MCA, provides that expenses incurred by authorized agents of the State of Montana for returning fugitives from other states or foreign countries will be paid from the state treasury; and

WHEREAS, funds for this purpose are budgeted to the Department of Justice, approved by the Office of the Governor, and disbursed through the Department of Justice, Central Services Division; and

WHEREAS, no codified procedures have been established describing the reimbursement procedures to be followed:

NOW, therefore, I, Ted Schwinden, Governor of the State of Montana, by virtue of the authority vested in me by Article VI, Section 4 of the Constitution of the State of Montana and Sections 2-7-103 and 2-15-103, MCA, and Title 46, Chapter 30, MCA, do hereby repeal Executive Order No. 5-75 "Executive Order Defining Waiver Procedure for Return of Fugitives to the State of Montana under the Uniform Criminal Extradition Act" and hereby direct public officers seeking reimbursement to follow the procedures set forth below:

I. Procedures for Formal Extradition

1. The claim must be supported by the documentation required under Sections 2-18-501 to 2-18-503, MCA, and any governing state regulations.
2. The claim must be submitted on the appropriate state travel expense voucher form.
3. The claim must be accompanied by a copy of the Governor's Appointment of Agent and a certified return subscribed by the agent summarizing the facts surrounding the return of the fugitive.

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4. The claim must be submitted for approval to the Governor's Office, directed to the attention of the Governor's Extradition Secretary.

5. If the expenses are authorized by law and reimbursable under Section 46-30-411, MCA, the Governor's Extradition Secretary will approve the claim and forward it to the Department of Justice, Central Services Division, for payment.

II. Procedures for Waivers

1. a. Counties seeking reimbursement for expenses incurred for a return of a fugitive pursuant to a Waiver of Extradition must notify the Governor's Extradition Secretary prior to the return through the submission of a Special Waiver Permission Request Form (SWPRF). Reimbursement will be allowed if the case is one in which the charge would support a formal extradition if the fugitive had not waived.

b. If it can be demonstrated that time is of the essence, verbal approval may be sought from the Governor's office. After verbal approval is given, a Special Waiver Permission Request Form (SWPRF) must be submitted to the Governor's office. Upon the Governor's receipt of the SWPRF, an Appointment of Agent will be issued, signed by the Governor and returned to the Sheriff's office.

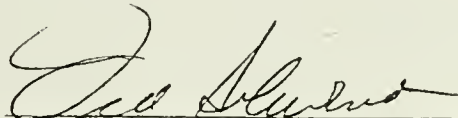
2. a. As required by Section 46-30-411, MCA, claims for expenses must be submitted on the appropriate state form and supported by the documentation required under Sections 2-18-501 through 2-18-503, MCA, pertaining to travel, meals and lodging.

b. In addition, the following procedure for reimbursement must be followed whether permission was verbal or the waiver was submitted under 1 a. Before any travel expense claims will be processed, the following documents must be submitted to the Governor's office: the travel claim, a copy of the Appointment of Agent, the SWPRF, the executed Waiver of Extradition, and the certified return subscribed by the agent summarizing the facts surrounding the return of the fugitive.

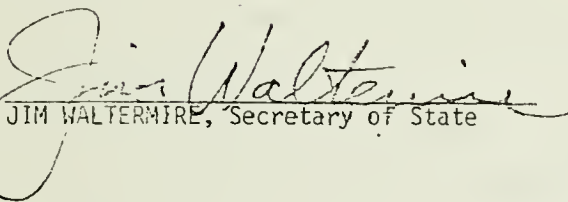
3. If the expenses incurred are authorized by law and the return of the fugitive was approved under paragraph 1, the Governor's Extradition Secretary will approve the claim and forward it to the Department of Justice, Central Services Division, for payment.

III. This order is effective immediately.

GIVEN under my hand and GREAT SEAL
of the State of Montana, this 12th
day of August in the year of our
Lord, One Thousand, Nine Hundred
Eighty-Two.


TED SCHWINDEN, Governor

ATTEST:


JIM WALTERMIRE, Secretary of State

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EXECUTIVE ORDER NO. 7-82

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Executive Order Establishing a Policy Prohibiting Sexual Harassment and Directing Department of Administration to Promulgate Rules Implementing Policy.

Whereas, Article II, Section 4 of The Constitution of the State of Montana, provides as follows:

"Individual Dignity. The dignity of the human being is inviolable. No person shall be denied the equal protection of the laws. Neither the state nor any person, firm, corporation or institution shall discriminate against any person in the exercise of his civil or political rights on account of race, color, sex, culture, social origin or condition, or political or religious ideas," and

Whereas, employees of state government are entitled to work in an environment free from discrimination, whether it is based on sex, race, color, religion, national origin, marital status, political belief, age or handicap; and

Whereas, sexual harrassment undermines the integrity of the employment relationship, lowers morale, interferes with productivity, and adversely affects the careers of state employees; and

Whereas, sexual harassment is a prohibited personnel practice under state and federal law; and

Whereas, deliberate or repeated unsolicited comments, gestures, or physical contact of a sexual nature constitute sexual harassment; and

Whereas, state employment demands from each employee the highest standard of honesty and impartiality when carrying out the business of state government; and

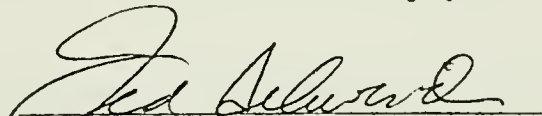
Whereas, sexual harassment and other conduct which violates these standards will not be condoned or tolerated; and

Whereas, I am committed to the elimination of sexual harassment in the workplace;


NOW, THEREFORE, I TED SCHWINDEN, Governor of the State of Montana, by virtue of the authority vested in me by Article VI, Section 4 of the Constitution of the State of Montana and Section 2-15-103, MCA, do hereby establish a state policy prohibiting sexual harassment as stated herein and hereby order the Department of Administration as follows:

1. To develop and promulgate rules prohibiting sexual harassment in all state departments and agencies; and
2. To submit the proposed rules to me for review by no later than September 15, 1982; and
3. To conduct training seminars in sexual harassment for state employees, addressing, but not limited to, its prevention and enforcement.

Given under my hand and the GREAT
SEAL of the State of Montana this
6th day of August
in the year of our LORD, One
Thousand Nine Hundred and Eighty-Two.


TED SCHWINDEN, Governor

ATTEST:


JIM WALTERMIRE, Secretary of State



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Executive Order Designating the Department of Natural Resources and Conservation as the agency responsible for the development and conduct of the rulemaking process to implement Title 90, Chapter 4, Part 3, MCA, "Emergency Supply Emergency"

WHEREAS, Section 90-4-316, MCA, grants to the Governor the authority to adopt rules necessary to implement Title 90, Chapter 4, Part 3, MCA; and


WHEREAS, pursuant to Section 2-15-103, MCA, the Governor has full powers of supervision, approval, direction and appointment over all departments and their units; and

WHEREAS, the Department of Natural Resources and Conservation is a department of the executive branch of state government subject to the executive power of the Governor;

NOW THEREFORE, I, Ted Schwinden, Governor the State of Montana, by virtue of the authority vested in me by Article VI, Section 4, of the Constitution of the State of Montana and section 2-15-103, MCA, do hereby order the Department of Natural Resources and Conservation as follows:

1. To develop rules necessary to implement Title 90, Chapter 4, Part 3, MCA; and
2. To issue notices and conduct the rulemaking hearings required by the Administrative Procedure Act (Title 2, Chapter 4, MCA) for the adoption of rules necessary to implement Title 90, Chapter 4, Part 3, MCA.

GIVEN under my hand and GREAT SEAL of the State of Montana, this 1st day of June in the year of our Lord, One Thousand Nine Hundred and Eighty-Two.


TED SCHWINDEN, Governor

Attest:


JIM WALTERMIRE, Secretary of State



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Executive Order Designating the Department of Natural Resources and Conservation as the state agency authorized to develop rules and conduct the hearings necessary to implement Title 90, Chapter 4, Part 3, MCA, "Energy Supply Emergency Rules"

WHEREAS, Section 90-4-316, MCA, grants to the Governor the authority to adopt rules necessary to implement Title 90, Chapter 4, Part 3, MCA; and

WHEREAS, pursuant to Section 2-15-103, MCA, the Governor has full powers of supervision, approval, direction and appointment over all departments and their units; and

WHEREAS, the Department of Natural Resources and Conservation is a department of the executive branch of state government subject to the executive power of the Governor;

NOW THEREFORE, I, Ted Schwinden, Governor the State of Montana, by virtue of the authority vested in me by Article VI, Section 4, of the Constitution of the State of Montana and section 2-15-103, MCA, do hereby order the Department of Natural Resources and Conservation as follows:


1. To develop rules necessary to implement Title 90, Chapter 4, Part 3, MCA; and
2. To issue notices and conduct the rulemaking hearings required by the Administrative Procedure Act (Title 2, Chapter 4, MCA) for the adoption of rules necessary to implement Title 90, Chapter 4, Part 3, MCA.

GIVEN under my hand and GREAT SEAL of the State of Montana, this 1st day of June in the year of our Lord, One Thousand Nine Hundred and Eighty-Two.


TED SCHWINDEN, Governor

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Attest:


JIM WALTERMIRE, Secretary of State

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Office of the Governor

Executive Order No. 5-82

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Executive Order Amending Executive Order No. 2-82 (Peace Officers Standards and Training Advisory Council)

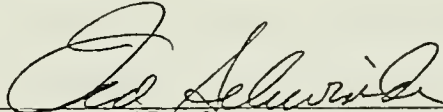
I, Ted Schwinden, by virtue of the authority vested in me as Governor of the State of Montana, pursuant to the Constitution of the State of Montana, and specifically pursuant to Section 2-15-122, MCA, do hereby amend Executive Order 2-82 as follows:

Paragraph II, Composition of Council, is amended to include the following person:

John D. Wilson
Mayor of Deer Lodge
719 Pennsylvania Ave.
Deer Lodge, MT 59722

This amendment does not affect any other term or condition of Executive Order No. 2-82.

GIVEN under my hand and GREAT SEAL of the State of Montana, this 26th day of April in the year of our Lord, One Thousand, Nine Hundred Eighty-Two.


TED SCHWINDEN, Governor

ATTEST:


JIM WALTERMIRE, Secretary of State

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Office of the Governor

Executive Order No. 4-82

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Executive Order directing Executive Branch Agencies to assist and cooperate with the Governor's Council on Management, Inc.

WHEREAS, the citizens of the State of Montana deserve the benefits of an efficient and effective state government; and

WHEREAS, in order to continue and improve upon the ability of state government to provide services to its citizens and to ensure that every citizen receives full value for tax dollars expended; and

WHEREAS, the state and its citizens can greatly benefit from a review of the management practices and procedures of state government by utilizing the expertise and experience of specialists employed in private sector business, industry and professional organizations; and

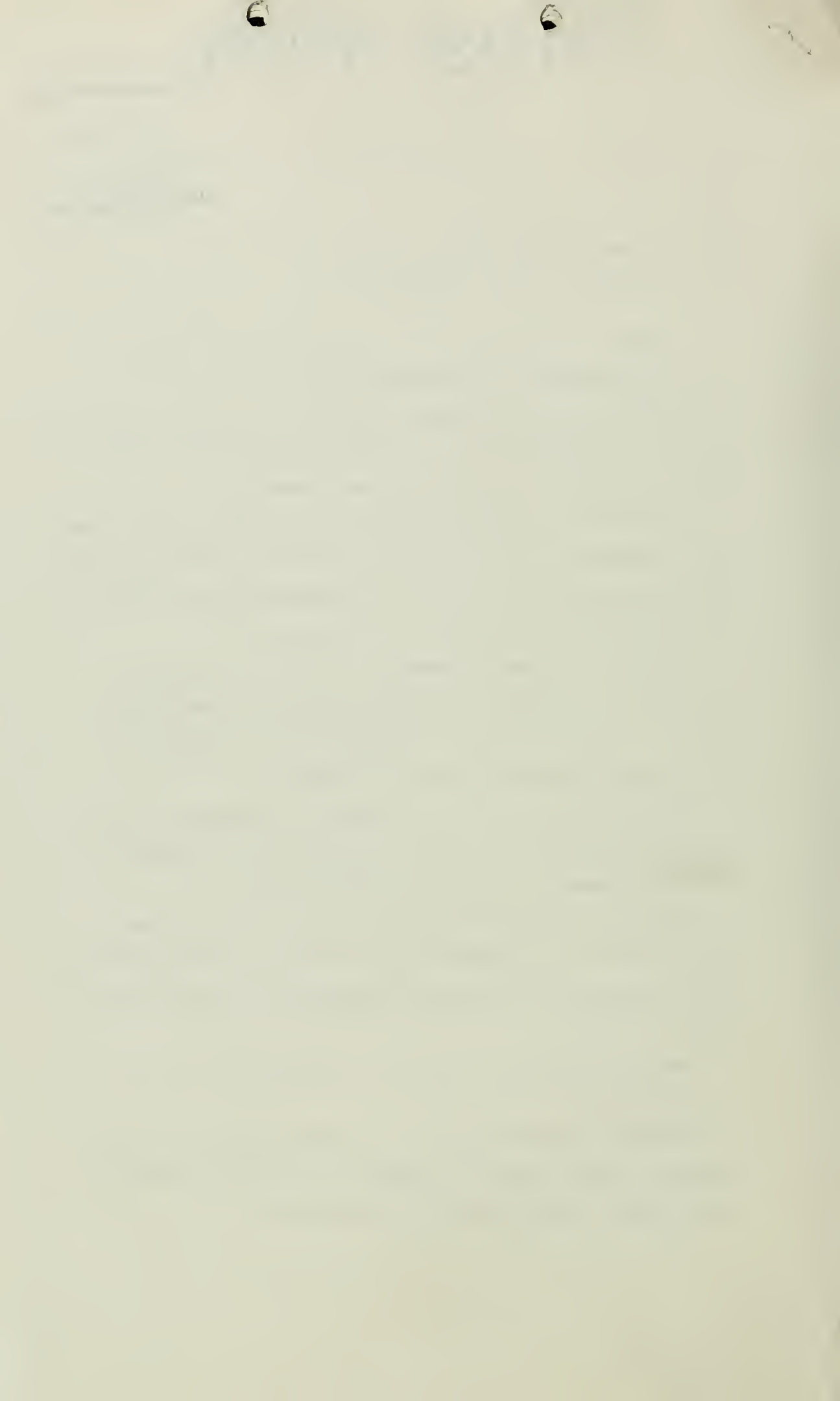
WHEREAS, certain Montana businesses, industries and professional organizations have management personnel with particular expertise for providing counsel and advice on the development and implementation of more efficient management practices and procedures; and

WHEREAS, private citizens from businesses, industry and professional organizations have formed a nonprofit corporation named the "Governor's Council on Management, Incorporated" (Council); and

WHEREAS, the purpose of the Council is to specifically provide advice, assistance and recommendations to the Governor on the development and implementation of more efficient management practices and procedures; and

WHEREAS, the Council intends to hire a consultant to assist it in its review; and

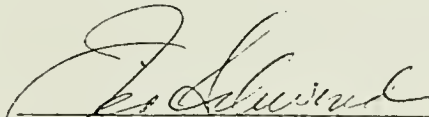
WHEREAS, a detailed Plan of Action for implementing such a program has been developed to assist the Council and Consultant in performing their review of management practices and procedures;



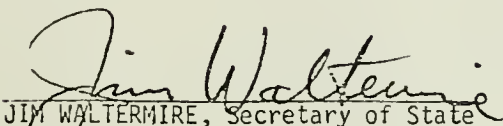
NOW, THEREFORE, I, TED SCHWINDEN, Governor of the State of Montana, by virtue of the authority vested in me by Article VI, Section 4, of the Constitution of the State of Montana and Sections 2-7-103 and 2-15-103, MCA, do hereby order as follows:

1. That in furtherance of this management review effort, each official and employee under the jurisdiction and supervision of the Governor is hereby directed as follows:
 - a. To assist and cooperate with the Council and Consultant in the performance of their review,
 - b. To be available for discussions with the Council and Consultant at such reasonable periods so as not to conflict with the performance of their state duties and responsibilities and,
 - c. To assist the Council and Consultant in obtaining for examination or use, documents and data which the Council or Consultant deem necessary for their review of management practices and procedures, unless the documents and data are exempt from disclosure by law.
2. This order is effective immediately and shall terminate on December 31, 1982.

GIVEN under my hand and GREAT SEAL
of the State of Montana, this 4th
day of March in the year of our
Lord, One Thousand Nine Hundred
Eighty-Two.


TED SCHWINDEN, Governor

ATTEST:


JIM WALTERMIRE, Secretary of State



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Executive Order No. 3-82

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Executive Order repealing all executive orders issued prior to January 5, 1981, except those expressly exempted.

WHEREAS, executive orders are issued to improve the manageability of the executive branch and previous governors have issued executive orders to improve the operation of state government; and

WHEREAS, I have reviewed all executive orders issued prior to January 5, 1981, and have determined that a substantial number of those executive orders are no longer necessary or timely; and

WHEREAS, good government compels the elimination of unnecessary and untimely requirements,

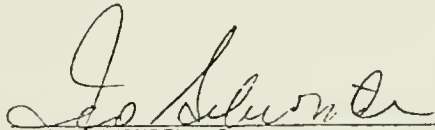
NOW, THEREFORE, I, TED SCHWINDEN, by the authority vested in me by Article VI, Section 4, of the Constitution of the State of Montana, and Section 2-7-103, MCA, do hereby repeal all executive orders issued prior to January 5, 1981, except all Executive Reorganization Orders and the Executive Orders set forth below:

- 2-71 Executive Order Establishing Multi-County Districts Within Montana For Use In Planning and Administration.
- 7-73 Executive Order Amending Executive Order 2-71.
- 5-75 Executive Order Defining Waiver Procedure For Return of Fugitives to The State of Montana under the Uniform Criminal Extradition Act.
- 7-78 Executive Order Establishing Montana as a Member of Western SUN.
- 9-79 Executive Order setting forth procedure wherein state employees will be dismissed from state employment upon third offense speeding violation.
- 13-79 Executive Order designating the Department of Health and Environmental Sciences, Bureau of Records and Statistics, as the State Agency responsible for the administration of statistical activities under the Cooperative Health Statistics System.

17-79 Executive Order establishing a Procedure for coordinating
Executive Agency Responses to Federal Environmental Impact
Statements.

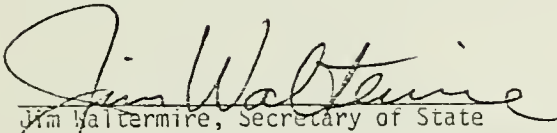
This order is effectively immediately.

GIVEN under my hand and GREAT SEAL
of the State of Montana, this 1st
day of February in the year of our
Lord, One Thousand, Nine Hundred
Eighty-Two.

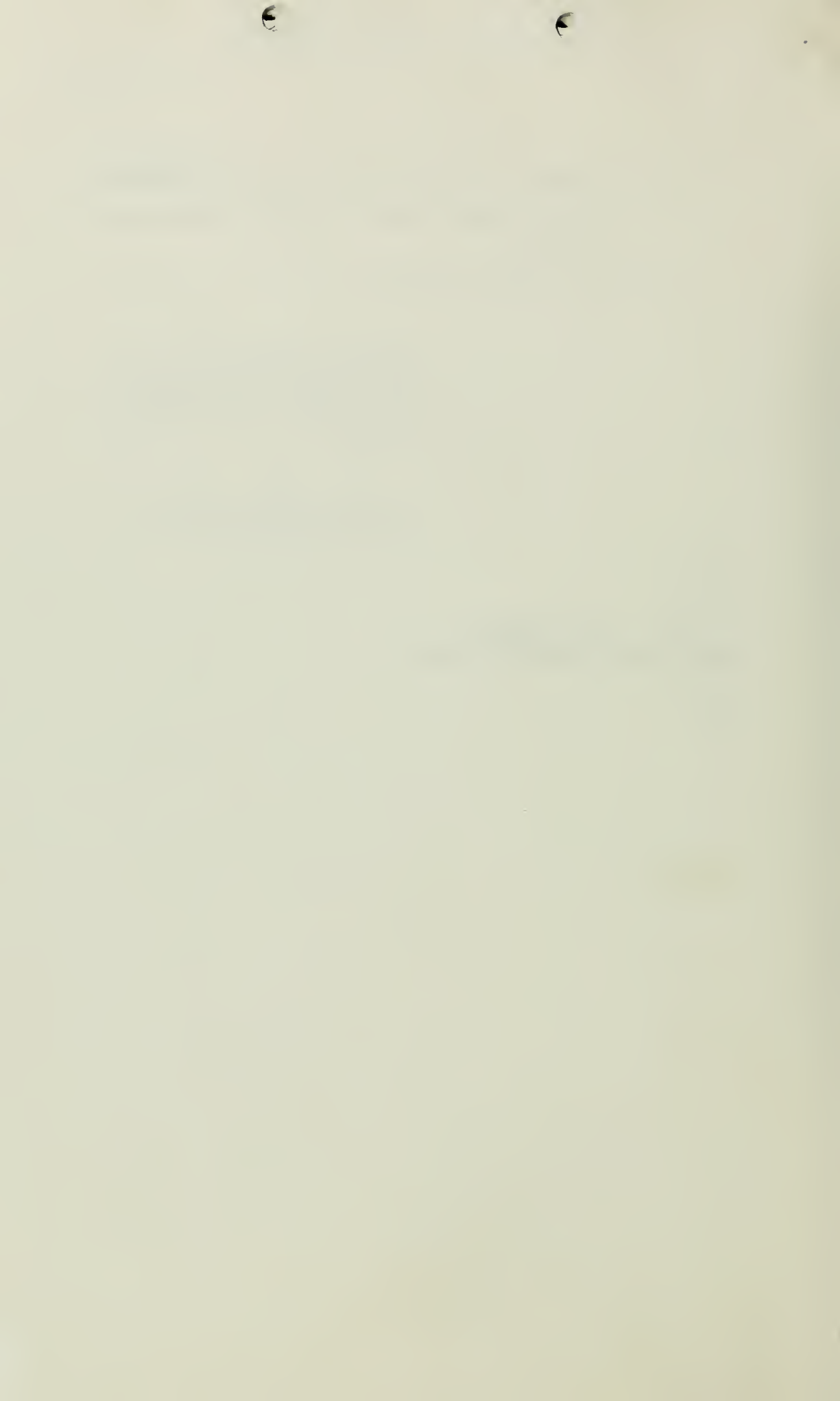


TED SCHWINDEN, Governor

ATTEST:



Jim Waltermire, Secretary of State



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of the Governor

Executive Order no. 2-82

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Executive Order creating the Peace Officers Standards and Training
Advisory Council.

I, TED SCHWINDEN, by virtue of the authority vested in me as Governor of the State of Montana, pursuant to the Constitution of the State of Montana, and specifically pursuant to Section 2-15-122, MCA, do hereby abolish the existing Peace Officers Standards and Training Advisory Council and re-create the Peace Officers Standards and Training Advisory Council within the Board of Crime Control.

I. PURPOSE.

The Council shall establish priorities, aid in planning programs, and make recommendations regarding the improvement of law enforcement in the State of Montana.

II. COMPOSITION OF COUNCIL.

The following persons are hereby appointed to the Peace Officers Standards and Training Advisory Council:

Bob Harvie, Department of Sociology, Wilson Hall, Montana State University, Bozeman, MT 59715

Glenn Frame, Sheriff, Lake County Sheriff's Department, Polson, MT 59860

James Burnes, Undersheriff, Cascade County Sheriff's Dept., Great Falls, MT 59401

Clark Price, Bureau Chief, Law Enforcement Academy, 620 South 16th Avenue, Bozeman, MT 59715

William McKiernan, Assistant Administrator, Law Enforcement Division, Department of Fish, Wildlife and Parks, Helena, Montana 59620

John Wilkinson, Lewis and Clark County Commissioner, City/County Bldg. 316 North Park, Helena, MT 59601

Ray Stoner, Outlook, MT 59252

Lt. Jere Wamsley, Police Department, Billings, MT 59101

John West, 107 Geneva, Hamilton, MT 59840

Tom Grew, Chief of Police, Glasgow, MT 59230

Gary Olson, Director of Law Enforcement, Dawson College, Glendive, MT 59330

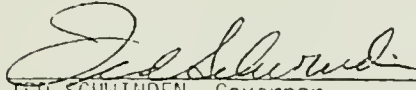
Ron Smith, County Attorney, 312 3rd Street, Havre, MT 59501

Col. Robert Landon, Capitol Station, Helena, MT 59601


III. DURATION OF COUNCIL.

The Council shall exist through and until December 31, 1983.

Given under my hand and the GREAT SEAL
of the State of Montana this 25th
day of January in the year of our Lord
One Thousand Nine Hundred Eighty-Two.


TED SCHWINDEN, Governor

ATTEST:


JIM WALTERMIRE, Secretary of State

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Office of the Governor

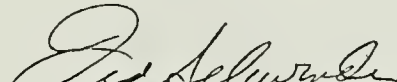
Executive Order No. 1-82

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Executive Order designating the Medicaid Fraud Control Bureau and the Legal and Enforcement Division of the Department of Revenue as criminal justice agencies pursuant to the Montana Criminal Justice Information Act of 1979.

I, Ted Schwinden, in accordance with the authority vested in me as Governor by the laws and Constitution of the State of Montana, do hereby repeal Executive Orders 10-79 and 18-79, and pursuant to the Montana Criminal Justice Information Act of 1979 (Title 44, Chapter 5, MCA), do hereby designate the Medicaid Fraud Control Bureau and the Legal and Enforcement Division of the Department of Revenue, as "criminal justice agencies."

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 25th day of January, in the year of our Lord, One Thousand Nine Hundred and Eighty-Two.


TED SCHWINDEN, Governor

ATTEST:


JIM WALTERMIRE, Secretary of State

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